

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Natnari Linwong	Team: Team # 2	CCRB Case #: 201106433	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 05/13/2011 9:15 PM	Location of Incident: Mundy Lane and Cranford Avenue	Precinct: 47	18 Mo. SOL 11/13/2012	EO SOL 11/13/2012	
Date/Time CV Reported Mon, 05/16/2011 12:00 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 05/18/2011 3:08 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Robert Roda	01234	939332	047 PCT
2. SGT John Anzelino	00097	917037	047 PCT
3. POM Daniel Beddows	30576	926556	047 PCT
4. Officers			

Officer(s)	Allegation	Investigator Recommendation
A.SGT John Anzelino	Abuse: Sergeant John Anzelino supervised the stop of § 87(2)(b)	
B.SGT John Anzelino	Abuse: Sergeant John Anzelino supervised the stop of § 87(2)(b) and § 87(2)(b)	
C.POM Robert Roda	Abuse: Officer Robert Roda frisked § 87(2)(b)	
D.SGT John Anzelino	Abuse: Sergeant John Anzelino searched § 87(2)(b)	
E.POM Daniel Beddows	Abuse: Officer Daniel Beddows searched § 87(2)(b)	
F.POM Robert Roda	Abuse: Officer Robert Roda searched § 87(2)(b)	
G.SGT John Anzelino	Force: Sergeant John Anzelino used physical force against § 87(2)(b) and § 87(2)(b)	
H.SGT John Anzelino	Force: Sergeant John Anzelino struck § 87(2)(b) with an asp.	
I.SGT John Anzelino	Abuse: Sergeant John Anzelino refused to provide his name and shield number to § 87(2)(b) and § 87(2)(b)	
J. Officers	Discourtesy: Officers acted rudely toward § 87(2)(b) and § 87(2)(b)	
§ 87(4-b) § 87(2)(g)		
§ 87(4-b) § 87(2)(g)		
§ 87(4-b) § 87(2)(g)		

Case Summary

On May 16, 2011, § 87(2)(b) filed a complaint with the IAB (log #11-21999). On May 18, 2011, the case was referred to the CCRB (encl. 3A-E). She did not witness the incident.

On May 13, 2011, around 9:15 p.m., § 87(2)(b)'s children, § 87(2)(b) and § 87(2)(b) were walking home from the store when they were approached by Sergeant John Anzelino, Officer Daniel Beddows, and Officer Robert Roda at the intersection of Mundy Lane and Cranford Avenue in the Bronx. No arrests were made or summonses issued. The following allegations resulted from the interaction:

- **Allegation A – Abuse of Authority: Sergeant John Anzelino supervised the stop of** § 87(2)(b)
- **Allegation B – Abuse of Authority: Sergeant John Anzelino supervised the stop of** § 87(2)(b) **and** § 87(2)(b)
- **Allegation C – Abuse of Authority: Officer Robert Roda frisked** § 87(2)(b)
§ 87(2)(g)
- **Allegation D – Abuse of Authority: Sergeant John Anzelino searched** § 87(2)(b)
- **Allegation E – Abuse of Authority: Officer Daniel Beddows searched** § 87(2)(b)
- **Allegation F – Abuse of Authority: Officer Robert Roda searched** § 87(2)(b)
§ 87(2)(g)
- **Allegation G – Force: Sergeant John Anzelino used physical force against** § 87(2)(b) **and** § 87(2)(b)
§ 87(2)(g)
- **Allegation H – Force: Sergeant John Anzelino struck** § 87(2)(b) **with an asp.**
§ 87(2)(g)
- **Allegation I – Abuse of Authority: Sergeant John Anzelino refused to provide his name and shield number to** § 87(2)(b) **and** § 87(2)(b)
§ 87(2)(g)
- **Allegation J – Discourtesy: Officers acted rudely towards** § 87(2)(b) **and** § 87(2)(b)
§ 87(2)(g)
- § 87(4-b) § 87(2)(g)

§ 87(4-b) § 87(2)(g)

Results of Investigation

Civilian Statements

Victim: § 87(2)(b)

- § 87(2)(b) is a black male, age § 87(2)(b) 6'1" tall and 150 lbs. with black hair and brown eyes.
§ 87(2)(b)

CCRB Testimony

On June 9, 2011, § 87(2)(b) was interviewed at the CCRB (encl. 4A-D).

Around 9:00 p.m. on May 13, 2011, § 87(2)(b) walked to the store around the corner from his house wearing a red tracksuit and red baseball cap. On his way there, he saw an unmarked navy blue sedan following him. He entered the store, then left to walk back home. As he approached his house, he saw the car make a U-turn, then follow him towards the house. He had no interaction with any officers at that time.

Around 9:15 p.m., § 87(2)(b) went back to the store with his § 87(2)(b)-old sister, § 87(2)(b) and his § 87(2)(b)-old brother, § 87(2)(b) because he had forgotten something. On their way home, the same car came around the corner and stopped. Three white male officers in plainclothes exited the car and said to them, "Let me see your hands, everybody on the gate."

The siblings stood by the gate, which is around the corner from their house. The officers approached them and gave them slight shoves to get against the gate. One of the officers, identified through investigation as Officer Beddows, approached § 87(2)(b) and the other two, identified as Officer Roda and Sergeant Anzelino, approached § 87(2)(b) and § 87(2)(b) who were standing next to each other; § 87(2)(b) stood four or five feet away from them.

The officers searched each of the siblings before asking for their IDs. Officer Beddows patted down § 87(2)(b) legs, then put his hands inside his jacket and pants pockets. He did not remove anything from § 87(2)(b) pockets. The only items in his pockets were his wallet, phone, and keys. § 87(2)(b) asked Officer Beddows what the probable cause was for the officers to stop them, and Officer Beddows told him, "Shut up." Both Officer Roda and Sergeant Anzelino patted down § 87(2)(b)'s upper body and searched her pockets. Sergeant Anzelino also searched § 87(2)(b) including his pockets. § 87(2)(b) did not specify which of § 87(2)(b)'s and § 87(2)(b)'s pockets were searched. Officer Beddows asked § 87(2)(b) for his ID, which he provided. Officer Roda took § 87(2)(b)'s ID.

§ 87(2)(b) told Sergeant Anzelino that he was in the army, and Sergeant Anzelino said that he did not care because he was in the Marines; he then took out his asp. Sergeant Anzelino swung the asp at § 87(2)(b)'s legs, but § 87(2)(b) did not see the asp make contact. § 87(2)(b) was standing four or five feet away from § 87(2)(b) and § 87(2)(b). § 87(2)(b) tensed his arm as if to react in self-defense, but § 87(2)(b) held him back before he actually made any physical movements.

The siblings asked the officers for their shield numbers, which Officer Beddows and Officer Roda provided. All of the siblings asked Sergeant Anzelino for his shield number, but he shook his head and turned away.

The officers started to walk away, and as § 87(2)(b) reached to take his ID back, Officer Beddows threw it on the ground and told him to pick it up. The officers then returned to their car and drove off. At no point did the officers give a reason for stopping them. The stop lasted about five minutes.

The siblings went home and told their mother, § 87(2)(b) what had happened. She called IAB to report the incident. As they were inside the house, the officers drove by again and pulled up in front of the house. Officer Roda said that someone had thrown something at the car. He ran up the steps and banged on the door, telling § 87(2)(b) to come outside. However, he did not enter the house. § 87(2)(b) said that she was on the phone with IAB, but Officer Roda did not appear to care. All of the officers then drove away.

Victim: § 87(2)(b)

- § 87(2)(b) is a black female, age § 87(2)(b), 6'3" tall and 185 lbs. with brown hair and eyes § 87(2)(b).
§ 87(2)(b)

CCRB Testimony

On June 9, 2011, § 87(2)(b) was interviewed at the CCRB (encl. 5A-D). § 87(2)(g)

The officers approached § 87(2)(b) and her brothers and asked where they were going, and they said they were going home from the store and provided their names and addresses. § 87(2)(b) immediately took out her ID and told Officer Roda that she was a female so he would know not to frisk her. Officer Roda said he did not care and patted down § 87(2)(b)'s upper body and legs. He also went inside her shorts pockets. He did not take anything out of her pockets. § 87(2)(b) did not know if § 87(2)(b) and § 87(2)(b) were frisked or searched. Sergeant Anzelino asked for § 87(2)(b)'s ID and Officer Beddows asked for § 87(2)(b)'s ID, which they provided. Sergeant Anzelino and Officer Roda then threw § 87(2)(b) and § 87(2)(b)'s IDs on the ground.

§ 87(2)(b) told Sergeant Anzelino that he was in the army, and Sergeant Anzelino pushed him in the chest with both hands. § 87(2)(b) stumbled backward. § 87(2)(b) tensed his arm, and fearing that he would swing at Sergeant Anzelino in retaliation, § 87(2)(b) grabbed his arm. § 87(2)(b) never actually extended his arm. Sergeant Anzelino then pushed § 87(2)(b) with both hands on her chest and took out his asp. He did not do anything with the asp.

§ 87(2)(b) and § 87(2)(b) asked the officers for their shield numbers. Officer Beddows and Officer Roda provided the information. However, Sergeant Anzelino refused to provide his information when they asked him for it. § 87(2)(b) did not specify how far away they were when they requested the information or what Sergeant Anzelino's response was.

Victim: § 87(2)(b)

- § 87(2)(b) is a black male, age § 87(2)(b), 6'1" tall and 195 lbs. with black hair and brown eyes.
§ 87(2)(b)

CCRB Testimony

On July 13, 2011, § 87(2)(b) was interviewed at the CCRB (encl. 6A-D). § 87(2)(g)

§ 87(2)(b) saw Officer Roda pat down § 87(2)(b)'s ankles and put his hands inside her pockets. While § 87(2)(b)'s hands were on his head, Sergeant Anzelino searched § 87(2)(b) putting his hands inside § 87(2)(b)'s pants pockets. § 87(2)(b) did not see what interaction Officer Beddows had with § 87(2)(b) because he was focused on Sergeant Anzelino.

§ 87(2)(b) showed Sergeant Anzelino his ID and told him that he and his siblings had just gone to the store, that their house was nearby, and that he was in the military. He said there was no probable cause for the search and asked what the officers were doing. Sergeant Anzelino told him to shut up and get to the wall, and that he did not care that he was in the military because he was in the Marines. § 87(2)(b) asked if this was how Marines acted. Sergeant Anzelino then made derogatory comments to § 87(2)(b) which he did not recall.

Sergeant Anzelino then pushed § 87(2)(b) with both hands on his chest. Surprised, § 87(2)(b) stepped back. From about four feet away from Sergeant Anzelino, § 87(2)(b) started to walk towards him. Believing that § 87(2)(b) might react physically, § 87(2)(b) grabbed his arms and stood between him and Sergeant Anzelino. She was facing § 87(2)(b) and had her back to Sergeant Anzelino. Sergeant Anzelino then took out his asp and poked § 87(2)(b) in the stomach with it, under § 87(2)(b)'s arm. § 87(2)(b) saw this and let § 87(2)(b) go. With his hand, Sergeant Anzelino pushed the side of § 87(2)(b)'s arm as if to push her out of the way so that § 87(2)(b) could hit him. Sergeant Anzelino then walked toward the car.

§ 87(2)(b) and § 87(2)(b) had given their IDs to the other officers, who gave them to Sergeant Anzelino. Sergeant Anzelino then threw the IDs on the ground near a gate. § 87(2)(b) asked all of the officers for their shield numbers. Officer Roda provided the information and § 87(2)(b) believed Officer Beddows did as well, but Sergeant Anzelino refused to do so, saying he would give it in a minute. Both § 87(2)(b) and his siblings repeated the request several times, but Sergeant Anzelino never provided the information.

NYPD Statements:

Subject Officer: OFFICER ROBERT RODA

- *Officer Roda is a white male, age § 87(2)(b), 5'7" tall and 170 lbs. with brown hair and hazel eyes.*
- *Officer Roda worked from 5:30 p.m. on May 13, 2011 to 2:05 a.m. on the following day. He was assigned to anti-crime with Sergeant John Anzelino and Officer Daniel Beddows in a blue unmarked Ford Crown Victoria. He was dressed in plainclothes.*

Memo Book

At 9:45 p.m., three people stopped for criminal possession of a weapon. At 9:50 p.m., completed stop-and-frisk report, resumed patrol.

CCRB Testimony

Officer Roda was interviewed at the CCRB on July 8, 2011 (encl. 7A-E).

Around 9:15 p.m., Officer Roda, Sergeant Anzelino, and Officer Beddows were on routine patrol. Officer Beddows was driving, Officer Roda was in the front passenger seat, and Sergeant

Anzelino sat in the backseat. The area of the incident, near the border between the Bronx and Westchester, has a high level of violent crime.

While driving northbound on Mundy Lane, the officers saw § 87(2)(b) walking southbound near the intersection of Mundy Lane and Cranford Avenue. He was wearing a baggy shirt, and several times as he walked, he cradled the left side of his body as if he were holding a heavy object near his waistband, raising the officers' suspicion that he was carrying a gun. They did not see anything in his hands. The officers observed § 87(2)(b) for under a minute from between half a block and a block away. When § 87(2)(b) saw the officers, he continued to walk and entered a house. The officers continued patrol.

Within an hour, the officers saw § 87(2)(b) walking near the same intersection, this time with § 87(2)(b) and § 87(2)(b). None of the individuals was making the sort of physical gesture that had earlier led the officers to believe § 87(2)(b) had a gun. However, because they believed § 87(2)(b) may have had a gun before, the officers were now concerned that any of the three individuals could now have a gun. To Officer Roda's recollection, none of the individuals had anything in their hands.

The officers exited the vehicles and identified themselves as police officers. They were wearing their shields around their necks. Officer Roda approached § 87(2)(b). He did not know which of the other officers interacted with which other individuals or see their interactions. All of the officers and stopped individuals were within a few feet of each other on the sidewalk. The individuals were initially very compliant.

Officer Roda patted § 87(2)(b) down. Her shirt had two front pockets which he squeezed, but he did not feel anything. He did not put his hands inside any of her pockets or otherwise search her. There was nothing suspicious about her appearance. The frisk was based solely on the fact that the officers had suspected that § 87(2)(b) had a gun when they observed him earlier. Sergeant Anzelino did not give any instructions to conduct the frisk. The three officers approached the individuals as a team without discussion.

He asked § 87(2)(b) for her ID, which she gave him, and at that point, all three individuals became very upset and started yelling and cursing at the officers, saying that they were being harassed and that this was "bullshit." None of them made any physical movements. Officer Roda attempted to explain that the officers had stopped them because of their prior observation of § 87(2)(b) but they would not listen. Because the individuals had become agitated, Officer Roda returned § 87(2)(b)'s ID to her without taking down all of her information.

At no point did Officer Roda see any officer push any individual or take out his asp or baton. Officer Roda believed the individuals asked for the officers' names and shield numbers. He provided the information. He did not know if the other officers did so. Officer Roda did not have any verbal or physical interaction with either § 87(2)(b) or § 87(2)(b). He was the only officer who interacted with § 87(2)(b). At no point did Officer Roda throw § 87(2)(b)'s ID on the ground. He did not know if the other officers threw the other individuals' IDs on the ground. The entire stop lasted less than five minutes.

The officers re-entered their vehicle and resumed patrol. § 87(2)(b) and § 87(2)(b) went inside their house. Shortly afterward, the officers saw the three individuals again on the stoop of their building. They saw § 87(2)(b) run down to the sidewalk, pick a rock or

other object up, and throw it at the officers' car. The object struck the back of the car. The officers exited the car and went up the stairs to the building, but § 87(2)(b) and § 87(2)(b) ran into the building and slammed the door. The siblings' mother, § 87(2)(b) then came out and asked the officers what was going on. The officers told her that § 87(2)(b) could receive a summons or be arrested. § 87(2)(b) said okay and slammed the door.

Within a day or two of the incident, Officer Roda filled out a stop-and-frisk report for § 87(2)(b). He did not take down her last name or date of birth, but he recalled putting her first name and address on the report and "Refused" for her last name. He did not know if the other officers filed stop-and-frisk reports for the other two individuals.

Subject Officer: OFFICER DANIEL BEDDOWS

- *Officer Beddows is a white male, age § 87(2)(b), 5'10" tall and 190 lbs. with brown hair and blue eyes.*
- *Officer Beddows worked from 5:30 p.m. on May 13, 2011 until 2:05 a.m. on the following day. He was assigned to anti-crime with Officer Roda and Sergeant Anzelino; they were dressed in plainclothes and were assigned to a motor vehicle.*

Memo Book

At 9:40 p.m., two males and one female stopped on Cranford Avenue and Mundy Lane with regard to possible firearm. First male: black, red shorts, red hat, glasses, refused ID, ran to § 87(2)(b).

CCRB Testimony

Officer Beddows was interviewed at the CCRB on August 10, 2011 (encl. 8A-F). § 87(2)(g)

While driving northbound on Mundy Lane, the officers saw that § 87(2)(b) who was walking southbound, was cradling his left side, cupping the area near his hip with his left hand. The officers took this as a possible indicator that he was carrying a firearm. There were no objects visible in § 87(2)(b) hands and no bulges visible on his clothing. As the officers passed § 87(2)(b), Officer Beddows saw in his side mirror that § 87(2)(b) repeatedly turned around and looked at the officers' car. Officer Beddows made a U-turn with the intention of stopping § 87(2)(b). However, § 87(2)(b) ran into § 87(2)(b), and the officers resumed patrol.

Some time later, the officers saw § 87(2)(b) again in the same area, this time with § 87(2)(b) and § 87(2)(b). None of the three individuals was making the same cradling motion § 87(2)(b) had made before. There were no visible signs to indicate that they might have a weapon. However, based on their earlier observation of § 87(2)(b) and because he could have passed a weapon to either of the other two, the officers decided to stop the three individuals because they might have a firearm among them.

Officer Beddows approached § 87(2)(b) who was closest to him. He identified himself as a police officer and told § 87(2)(b) to put his hands up. He did not know who the other officers approached. Officer Beddows explained to § 87(2)(b) that the officers had seen him earlier grabbing his left side and wanted to make sure he did not have any weapons. § 87(2)(b) was cooperative at first. Officer Beddows then patted down § 87(2)(b) waistband. He did not feel any objects and did not frisk any other area of § 87(2)(b) body or enter his pockets. He did not

know what interaction Officer Roda and Sergeant Anzelino had with the other individuals or whether they frisked them.

When Officer Beddows frisked § 87(2)(b) all three stopped individuals became verbally hostile towards the officers, cursing at them and saying the officers were harassing them. The individuals were not physically combative. However, since the situation was escalating, the officers decided to leave. § 87(2)(b) asked for Officer Beddows' shield number, which Officer Beddows provided him. He did not hear § 87(2)(b) ask any of the other officers for their names or shield numbers. He did not hear either of the other two individuals request this information from any of the officers. The officers entered their car, and the three stopped individuals ran into § 87(2)(b) § 87(2)(b).

Because he did not have any pedigree information for § 87(2)(b) Officer Beddows did not fill out a stop-and-frisk report and did not recall being instructed to do so by Sergeant Anzelino.

At no point did any of the officers take out their asps or batons or push any of the individuals. Other than Officer Beddows' frisk of § 87(2)(b) and the other officers' possible frisks of the other individuals, they had no physical contact with the individuals. Officer Beddows did not take § 87(2)(b) ID and did not believe the other officers took § 87(2)(b)'s or § 87(2)(b)'s ID. None of the officers threw any IDs on the ground.

Subject Officer: SERGEANT JOHN ANZELINO

- *Sergeant Anzelino is a white male, age § 87(2)(b) 5'7" tall and 185 lbs. He has blue eyes and is bald.*
- *Sergeant Anzelino worked from 6:00 p.m. on May 13, 2011 to 2:00 a.m. the following day. He worked anti-crime with Officers Roda and Beddows. They were dressed in plainclothes and assigned to an unmarked vehicle.*

Memo Book

Sergeant Anzelino had no memo book entries regarding the incident.

CCRB Testimony

On August 17, 2011, Sergeant Anzelino was interviewed at the CCRB (encl. 9A-E). § 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

As the officers passed § 87(2)(b) and § 87(2)(b) walking on the sidewalk, the officer who was driving pointed out that one of the men was cradling his right side as if he were carrying a heavy object. Sergeant Anzelino was in the backseat and did not recall which officer drove. Sergeant Anzelino did not see the cradling motion himself; when he looked, the men did not appear to be holding anything or making any suspicious gestures. The driver made a U-turn and stopped the car by the men. There was no discussion about who would approach which individual or whether they would be frisked. There were only two individuals, and the officers had not seen either of them previously.

The three officers exited the car and approached § 87(2)(b) and § 87(2)(b) as a group. Sergeant Anzelino did not recall which officer approached which individual. They identified themselves as officers and frisked both of the men, patting down their waistband areas. Sergeant Anzelino did not recall whether he frisked anyone. He believed Officer Beddows and Officer

Roda conducted the frisks. He did not instruct them to conduct the frisks. Neither § 87(2)(b) nor § 87(2)(b) was searched. The officers did not enter their pockets.

Both § 87(2)(b) and § 87(2)(b) were hostile and verbally combative from the start of the interaction, cursing at the officers. § 87(2)(b) made remarks about being in the Army. He was talking to all of the officers and not to Sergeant Anzelino in particular. Sergeant Anzelino did not make any comments about the military. He has never served in the military. Officer Beddows and Officer Roda asked both men for their pedigree information, but they refused to provide it, said “Fuck this,” and walked away. They entered a house about 30 or 40 feet away. Sergeant Anzelino did not believe either man gave the officers any ID cards. Neither he nor the other officers threw any ID cards on the ground.

Neither § 87(2)(b) nor § 87(2)(b) asked for the officers’ names or shield numbers. None of the officers took out their asps or batons or pushed any individual. They did not have any physical contact with the individuals other than frisking them.

The officers’ interaction with § 87(2)(b) and § 87(2)(b) lasted under a minute. After the men had walked away, the officers re-entered their vehicle, and Officers Beddows and Roda filled out stop-and-frisk reports. Sergeant Anzelino did not fill one out. In his CCRB interview, Sergeant Anzelino was shown a stop-and-frisk report for the time and location of the incident which he approved and which Officer Roda filed. The report contains pedigree information for an unnamed black male. Sergeant Anzelino did not know how Officer Roda obtained the pedigree information. If he looked at the individual’s ID, Sergeant Anzelino did not see this. Officer Roda may have obtained the information verbally.

NYPD Documents

Stop-and-Frisk Report (encl. 10A-B)

Only one stop-and-frisk report was filed for the time and location of the incident. The report was filed by Officer Roda and approved by Sergeant Anzelino. The suspect is an unnamed § 87(2)(b)-year-old black male, 5’10” tall and 230 lbs. According to the report, the suspect was stopped on suspicion of criminal possession of a weapon after three minutes of observation; he was frisked but not searched. The circumstances leading to the stop are listed as “furtive movements,” “area has high incidence of reported offense,” and “time of day/week corresponding to criminal activity.” The reasons for the frisk are listed as “violent crime suspected” and “furtive movements.” No weapons or other contraband were found.

SPRINT (encl. 11A-D)

§ 87(2)(b) called 911 at 9:17 p.m. and reported that plainclothes police officers had harassed her children while they were on their way to the store. The matter was referred to IAB.

Status of Civil Proceedings (encl. 12A)

As of August 17, 2011, a Notice of Claim has not been filed with the City of New York by § 87(2)(b) or § 87(2)(b)

Civilian Criminal Histories (encl. 13A-E)

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian CCRB Histories (encl. 2A-D)

- [§ 87(2)(b)] has filed two other CCRB complaints:
 - [§ 87(2)(b)]
 - [§ 87(2)(b)]
- [§ 87(2)(b)] has not filed a previous CCRB complaint.

Subject Officer CCRB History

- Sergeant Anzelino has been a member of the service for 15 years. There are six substantiated CCRB allegations against him (encl. 2E-H):
 - In case #200408476, Sergeant Anzelino was found to have improperly detained an individual, transported him to the Bronx, and spoken discourteously to him. [§ 87(4-b) § 87(2)(g)] Sergeant Anzelino was given command discipline A.
 - [§ 87(4-b) § 87(2)(g)]
- Officer Beddows has been a member of the service for 10 years and there are no substantiated CCRB allegations against him (encl. 2I-J).
- Officer Roda has been a member of the service for 6 years and there are no substantiated CCRB allegations against him (encl. 2K-L).

Conclusion

Identification of Subject Officers

- Sergeant Anzelino acknowledged that he supervised the stop of the individuals, and each of the civilians identified him as the officer who approached and searched [§ 87(2)(b)] [§ 87(2)(g)]
- Officer Roda acknowledged frisking [§ 87(2)(b)] and [§ 87(2)(b)] stated that the same officer who frisked her also searched her. [§ 87(2)(g)]

- § 87(2)(b) identified Officer Beddows as the officer who searched him. Officer Beddows denied conducting a search but acknowledged approaching and frisking § 87(2)(b) § 87(2)(g)
- The civilians interviewed identified Sergeant Anzelino as the officer who pushed § 87(2)(b) and § 87(2)(b) took out his asp, and refused to provide his name and shield number. § 87(2)(g)
- The civilians provided inconsistent statements regarding which officer or officers threw their ID cards on the ground. § 87(2)(g)
- § 87(4-b) § 87(2)(g)

Allegations Not Pleaded

§ 87(2)(g)

§ 87(2)(g)

Investigative Findings and Recommendations

Allegation A – Abuse of Authority: Sergeant John Anzelino supervised the stop of § 87(2)(b)

Allegation B – Abuse of Authority: Sergeant John Anzelino supervised the stop of § 87(2)(b) and § 87(2)(b)

Allegation C – Abuse of Authority: Officer Robert Roda frisked § 87(2)(b)

The civilians in this case alleged that they were stopped by Sergeant Anzelino, Officer Roda, and Officer Beddows. All three officers acknowledged conducting the stop, and Sergeant Anzelino was the supervisor on scene. The civilians further alleged that Officer Roda frisked § 87(2)(b) and he admitted to frisking her.

Officer Beddows and Officer Roda § 87(2)(g) stated that some time prior to conducting the stop, they saw § 87(2)(b) walking alone, cradling or cupping the left side of his body as if he were holding a heavy object (Officer Roda specified that this observation was made an hour before the stop. Officer Beddows did not remember how much time elapsed.) They did not see him holding any objects, but the position of his hands led them to suspect that he was carrying a gun on his waistband.

Both officers stated that when they subsequently saw § 87(2)(b) with § 87(2)(b) and § 87(2)(b) they decided to stop all three individuals based solely on their prior observation of § 87(2)(b) § 87(2)(b). They stated that none of the three individuals was making the cradling motion they had seen § 87(2)(b) make earlier or exhibited any other suspicious behavior. However, because they suspected that § 87(2)(b) might have had a gun earlier, they now believed that any of the three individuals could be carrying a gun, and that they should be stopped and frisked on this basis.

Sergeant Anzelino also stated that the stops were conducted because either Officer Beddows or Officer Roda saw one of the males cradling his side. His account differed from the other officers' in that he stated that this observation was made immediately prior to the stop. He did not recall seeing any of the individuals alone earlier.

In People v. DeBour, 40 N.Y.2d 210 (1976), the court affirmed that a stop requires reasonable suspicion that the individual has committed, is committing, or is about to commit a crime (encl. 1A-K). According to People v. Russ, 61 N.Y.2d 693 (1984), a frisk requires reasonable suspicion that the subject is armed and may be dangerous (encl. 1L-M). In People v. Gerard, 2012 N.Y. App. Div., the court determined that the weighted-down appearance of the defendant's bulging pocket, taken in conjunction with his changing course and turning his body upon an officer's approach as well as his rapid phone conversation, gave the officer founded suspicion that criminality was afoot. However, these factors did not provide reasonable suspicion that the defendant was involved in a crime (encl. 1N-O).

§ 87(2)(g)

Only one stop-and-frisk report was filed for this incident. It was filed by Officer Roda and is for an unnamed black male whose age and birthdate do not match those of any of the civilians. Officer Roda acknowledged in his interview that he did not have complete pedigree information when he filed the report. The report states that the individual was stopped and frisked on suspicion of criminal possession of a weapon based on furtive movements.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation D – Abuse of Authority: Sergeant John Anzelino searched § 87(2)(b)

Allegation E – Abuse of Authority: Officer Daniel Beddows searched § 87(2)(b)

Allegation F – Abuse of Authority: Officer Robert Roda searched § 87(2)(b)

§ 87(2)(b) and § 87(2)(b) each alleged that they were searched. § 87(2)(b) stated that Officer Roda put his hands inside her shorts pockets. § 87(2)(b) stated that Officer Beddows entered his pockets, and he saw Officer Roda and Sergeant Anzelino search § 87(2)(b)s and § 87(2)(b)s pockets, respectively. § 87(2)(b) stated that Sergeant Anzelino searched his pants pockets, and he also saw Officer Roda search § 87(2)(b)s pockets.

While the officers stated that they frisked the individuals, all three officers denied searching them or seeing the other officers do so. The single stop-and-frisk report which was filed for this incident, which was completed by Officer Roda and is for an unnamed black male, states that the individual was frisked but not searched.

§ 87(2)(g)

Allegation G – Force: Sergeant John Anzelino used physical force against § 87(2)(b) and § 87(2)(b)

§ 87(2)(b) and § 87(2)(b) both stated that after a verbal exchange regarding military service, Sergeant Anzelino pushed § 87(2)(b) with both hands to the chest, unprovoked, and that § 87(2)(b) then grabbed § 87(2)(b)s arm to prevent him from physically reacting to the push. They also both stated that Sergeant Anzelino then pushed § 87(2)(b). However, the circumstances they described differed slightly.

§ 87(2)(b) stated that after Sergeant Anzelino pushed him, § 87(2)(b) stood between him and the sergeant. Sergeant Anzelino then pushed § 87(2)(b)s arm to move her out of the way so he could face § 87(2)(b) directly. § 87(2)(g) § 87(2)(b) stated that Sergeant Anzelino pushed her with both hands to her chest. § 87(2)(b) statement, § 87(2)(g)

Sergeant Anzelino denied pushing any individuals or having any physical contact with the civilians other than possibly conducting a frisk. Officer Beddows and Officer Roda each denied seeing any officer push any individual.

§ 87(2)(g)

Allegation H – Force: Sergeant John Anzelino struck § 87(2)(b) with an asp.

All three civilians stated that Sergeant Anzelino took out his asp while speaking to § 87(2)(b). § 87(2)(g) § 87(2)(b) stated that Sergeant Anzelino poked him in the stomach with the asp while § 87(2)(b) was holding § 87(2)(b) back. However, § 87(2)(b) stated that Sergeant Anzelino took out the asp, but she did not see him do anything with it. Finally, § 87(2)(b) stated that Sergeant Anzelino swung his asp

at § 87(2)(b)'s legs, but he did not see it make contact. Sergeant Anzelino denied taking out or using his asp during the stop, and the other two officers denied seeing him do so.

§ 87(2)(g)

Allegation I – Abuse of Authority: Sergeant John Anzelino refused to provide his name and shield number to § 87(2)(b) and § 87(2)(b)

§ 87(2)(b) and § 87(2)(b) alleged that Sergeant Anzelino refused to provide his name and shield number upon request. All three civilians stated that they asked for the three officers' names and shield numbers. They stated that Officer Beddows and Officer Roda provided this information, but Sergeant Anzelino refused to do so. § 87(2)(b) said that Sergeant Anzelino shook his head and turned away. According to § 87(2)(b) Sergeant Anzelino said he would give the information in a minute, but never did.

Sergeant Anzelino did not recall being asked for his name or shield information. Officer Beddows recalled providing his information to § 87(2)(b) upon request, but did not hear any of the individuals ask for either of the other officers' information. Officer Roda believed that all of the individuals asked for the officers' names and shield numbers. He stated that he provided his information but did not know if the other officers did.

According to the NYPD Patrol Guide, section 203-09 (encl. 1P), officers must state their rank, name, shield number, and command to anyone who requests this information.

When this complaint was initially received at the CCRB, two shield numbers were provided: 01234, which belongs to Officer Roda, and 03057, which is close to Officer Beddows' shield number, 30576. § 87(2)(g)

§ 87(2)(b) Officer Roda stated that all of the officers and stopped individuals were standing within a few feet of each other, § 87(2)(g)

§ 87(2)(g)

Allegation J – Discourtesy: Officers acted rudely towards § 87(2)(b) and § 87(2)(b)

All three civilians stated that at least one officer threw ID cards on the ground; § 87(2)(g)

§ 87(2)(b) stated that Officer Beddows threw his card on the ground, and § 87(2)(b) stated that

Sergeant Anzelino and Officer Roda threw her and § 87(2)(b)'s cards. § 87(2)(b) stated that § 87(2)(b) and § 87(2)(b) had given their IDs to Officer Beddows and Officer Roda, who then passed the cards to Sergeant Anzelino. He stated that the sergeant then threw the IDs on the ground.

Officer Beddows and Sergeant Anzelino did not recall any of the individuals giving their IDs to the officers and denied throwing any IDs or seeing the other officers do so. Officer Roda stated that he took § 87(2)(b)'s ID but returned it to her once the individuals became agitated. He denied throwing any ID cards and stated that he did not know if any other officers did so.

§ 87(2)(g)
[REDACTED]

§ 87(4-b) § 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]
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Team: _____

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Investigator:	_____	_____	_____
	Signature	Print	Date

Supervisor:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date